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# A BILL FOR AN ACT

RELATING TO TOWING COMPANIES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 290-11, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§290-11 Vehicles left unattended on private and public**  
4 **property; sale or disposition of abandoned vehicles. (a)**

5 Notwithstanding any other provision of this chapter, any vehicle  
6 left unattended on private or public property without  
7 authorization of the owner or occupant of the property, may be  
8 towed away at the expense of the vehicle owner, by order of the  
9 owner, occupant, or person in charge of the property; provided  
10 that there is posted a notice prohibiting vehicles to park on  
11 the property without authorization. The notice shall clearly  
12 state, in not less than two-inch high, light reflective letters  
13 on a contrasting background, that the vehicle parked without  
14 authorization will be towed and held at the expense of the  
15 vehicle owner, as well as the name, address, and a telephone  
16 number of the facility where the vehicle will be towed and held.  
17 The notice shall be of [~~such~~] a size and be placed in a location



1 that is clearly visible to the driver of a vehicle approaching  
2 any individual marked or unmarked parking space; provided that  
3 where an entire parking lot consists of restricted parking  
4 spaces, placement of the notice at each entrance of the parking  
5 lot shall suffice.

6 (b) Towing companies engaged by the owner, occupant, or  
7 person in charge of the property shall:

8 (1) Charge not more than [~~\$65~~]:

9 (A) \$ \_\_\_\_\_ for a tow [~~7~~] occurring between the  
10 hours of six o'clock a.m. and six o'clock p.m.,  
11 from Monday through Friday;

12 (B) \$ \_\_\_\_\_ for a tow occurring between the hours  
13 of six o'clock p.m. and six o'clock a.m., from  
14 Monday through Thursday or from six o'clock p.m.  
15 Friday to six o'clock a.m. Monday; or [~~\$75~~]

16 (C) \$ \_\_\_\_\_ for a tow using a dolly,  
17 plus a mileage charge of [~~\$7.50~~] \$ \_\_\_\_\_ per mile  
18 towed and [~~\$25~~] \$ \_\_\_\_\_ per day or fraction  
19 thereof for storage for the first seven days and [~~\$20~~]  
20 \$ \_\_\_\_\_ per day thereafter. In the case of a  
21 difficult hookup, a towing surcharge of [~~\$30~~]



1           \$ \_\_\_\_\_ shall apply. [~~When the tow occurs between~~  
2           ~~the hours of six o'clock p.m. and six o'clock a.m.,~~  
3           ~~from Monday through Thursday and from six o'clock p.m.~~  
4           ~~Friday to six o'clock a.m. Monday, the towing company~~  
5           ~~shall be entitled to an overtime charge of \$15.] The~~  
6           charges listed in this paragraph shall be the only  
7           charges tow companies are authorized to charge vehicle  
8           owners. For purposes of this paragraph, "difficult  
9           hookup" shall mean an above or below ground hookup in  
10          a multilevel facility;

11          (2) If the vehicle is in the process of being hooked up,  
12          meaning up to the point when the tow truck is driving  
13          away, and the vehicle owner appears on the scene, the  
14          tow company shall release the vehicle to the vehicle  
15          owner at a location that ensures the safety of all  
16          persons and property involved, regardless of whether  
17          the release occurs on the scene or if the vehicle must  
18          be removed from the scene to be safely released;  
19          provided that no fee will be charged to the vehicle  
20          owner under this paragraph;



1           (3) Determine the name of the legal owner and the last  
2           registered owner of the vehicle from the department of  
3           transportation or the county department of finance.  
4           The legal owner and the last registered owner shall be  
5           notified in writing at the address on record with the  
6           department of transportation or with the county  
7           department of finance by registered or certified mail  
8           of the location of the vehicle, together with a  
9           description of the vehicle, within a reasonable period  
10          not to exceed fifteen days following the tow. The  
11          notice shall state:  
12          (A) The maximum towing charges and fees allowed by  
13             law;  
14          (B) The telephone number of the consumer information  
15             service of the department of commerce and  
16             consumer affairs; and  
17          (C) That if the vehicle is not recovered within  
18             thirty days after the mailing of the notice, the  
19             vehicle shall be deemed abandoned and will be  
20             sold or disposed of as junk.



1 Where the legal owner and the last registered owner  
2 have not been notified pursuant to this paragraph, the  
3 vehicle may be recovered by the vehicle owner from the  
4 towing company without paying tow or storage fees.

5 The notice need not be sent to a legal owner or last  
6 registered owner or any person with an unrecorded  
7 interest in the vehicle whose name or address cannot  
8 be determined. Absent evidence to the contrary, a  
9 notice shall be deemed received by the legal owner or  
10 last registered owner five days after the mailing;

11 (4) Provide, when a vehicle is recovered by the vehicle  
12 owner the vehicle owner with a receipt stating:

13 (A) The maximum towing charges and fees allowed by  
14 law; and

15 (B) The telephone number of the consumer information  
16 service of the department of commerce and  
17 consumer affairs; and

18 (5) [~~Accommodate~~] Accept payment by the vehicle owner for  
19 charges under paragraph (1) by cash, credit card, [~~or~~]  
20 and debit card[-]; provided that no towing company  
21 shall direct an individual to use an on-site automated



1           teller machine in lieu of accepting payment by credit  
2           card and debit card.

3           (c) When a vehicle is not recovered within thirty days  
4 after the mailing of the notice, it shall be deemed abandoned  
5 and the owner of the towing company, or the owner of the towing  
6 company's authorized representative, after one public  
7 advertisement in a newspaper of general circulation in the  
8 State, may negotiate a sale of the vehicle or dispose of it as  
9 junk.

10          (d) The authorized seller of the vehicle shall be entitled  
11 to the proceeds of the sale to the extent that compensation is  
12 due the authorized seller for services rendered in respect to  
13 the vehicle, including reasonable and customary charges for  
14 towing, handling, storage, and the cost of the notices and  
15 advertising required by this part. Any remaining balance shall  
16 be forwarded to the legal owner or last registered owner of the  
17 vehicle if the legal owner or last registered owner can be  
18 found. If the legal owner or last registered owner cannot be  
19 found at the address on record at the department of  
20 transportation or the county department of finance, the balance  
21 shall be deposited with the State's unclaimed property program



1 administered by the department of budget and finance and shall  
2 be paid out to the legal owner or last registered owner of the  
3 vehicle if a proper claim is filed therefor within one year from  
4 the execution of the sales agreement. If no claim is made  
5 within the year allowed, the money shall become a state  
6 realization.

7 (e) The transfer of title and interest by sale under this  
8 part is a transfer by operation of law, pursuant to the  
9 requirements under section 286-52(f).

10 (f) Notwithstanding any law or ordinance to the contrary,  
11 including subsection (h) and section 46-20.5, any towing company  
12 engaged in towing in a county with a population greater than  
13 five hundred thousand shall offer towing services to consumers  
14 twenty-four hours per day every day of the week. The towing  
15 services shall include the release of vehicles kept in storage  
16 to an insurer, vehicle owner or a designated representative.

17 (g) Any person who violates any provision of this section  
18 shall be deemed to have:

19 (1) Engaged in an unfair or deceptive act or practice in  
20 the conduct of any trade or commerce within the



1 meaning of section 480-2 and subject to penalties and  
2 remedies under chapter 480; and

3 (2) Furnished services without a license within the  
4 meaning of section 487-13 and subject to penalties and  
5 remedies under chapter 487.

6 (h) This section shall not apply to a county that has  
7 adopted ordinances regulating towing operations.

8 (i) Any company engaged in towing or parking management  
9 may charge a maximum of \$ \_\_\_\_\_ for the placement or removal  
10 of any device upon a vehicle designed to immobilize the vehicle;  
11 provided that the company engaged in towing or parking  
12 management shall accept payment by the vehicle owner for charges  
13 under this subsection by cash, credit card, and debit card;  
14 provided further that no towing company or parking management  
15 company shall direct an individual to use an on-site automated  
16 teller machine in lieu of accepting payment by credit card and  
17 debit card.

18 [~~(i)~~] (j) As used in this section:

19 "Hooked up" means completely and securely attached and  
20 fastened to the tow truck by means of clamps, couplings, straps,  
21 tow bars, and other mechanical devices that are specifically



1 designed to prevent the vehicle from dropping off or detaching  
2 from the tow truck in any way or otherwise shifting in any  
3 manner.

4 "Scene" means the location of the vehicle while it is in  
5 the process of being hooked up, or the location where it was  
6 hooked up, and anywhere within a fifty foot radius of that  
7 location.

8 "Vehicle owner" means any person, other than the towing  
9 company, who has possession of or any other interest in the  
10 vehicle, including but not limited to the legal or last  
11 registered owner of the vehicle, the insurance company insuring  
12 the vehicle, the person renting the vehicle pursuant to  
13 chapter 437D or any other law authorizing a person to operate  
14 the vehicle, or any person in possession of the key or remote  
15 keyless ignition system device to the vehicle.

16 "Vehicle parked without authorization" means any vehicle  
17 left unattended on private or public property that is not parked  
18 in compliance with the notice required by subsection (a).

19 "Vehicle parked without authorization" shall not include:

20 (1) A vehicle otherwise parked in compliance with the  
21 notice required by subsection (a) where the vehicle



1 owner has prepaid for parking and placed a payment  
2 receipt, placard, or permit anywhere on or in the  
3 vehicle and the payment receipt, placard, or permit is  
4 visible from outside the vehicle; or

5 (2) A vehicle otherwise parked in compliance with the  
6 notice required by subsection (a) where the vehicle  
7 owner has received authorization from an owner,  
8 occupant, or person in charge of the property and  
9 placed the placard, permit, or written authorization,  
10 if any, anywhere on or in the vehicle and the placard,  
11 permit, or written authorization is visible from the  
12 outside of the vehicle."

13 SECTION 2. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun before its effective date.

16 SECTION 3. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect on January 1, 2050.



**Report Title:**

Towing Companies; Fees

**Description:**

Changes the fees that a towing company may charge to tow vehicles left unattended on private and public property. Allows a towing company or parking management company to charge a fee for the placement or removal of vehicle immobilization devices. Requires that a towing company that charges fees to tow vehicles left unattended on private and public property, or a towing company or parking management company that charges fees for the placement or removal of vehicle immobilization devices, to accept payment by the vehicle owner for charges by cash, credit card, and debit card and shall not direct an individual to use an on-site automated teller machine in lieu of accepting payment by credit card and debit card. Takes effect 1/1/2050. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

